

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

THOMAS C. MCGEE,)
)
 Petitioner,)
)
 v.) No. 4:11CV2212 SNLJ
) (FRB)
 JEFF NORMAN,)
)
 Respondent.)

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

This matter is before the Court on Missouri state prisoner Thomas C. McGee's pro se petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. All pretrial matters were referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b) for appropriate disposition.

Presently pending before the Court is petitioner's Motion for Default Judgment (Doc. #7). In his motion, petitioner complains that respondent has failed to timely respond to the Court's order to show cause why the claims raised in petitioner's petition for writ of habeas corpus should not be granted. A review of the record shows that, in response to a subsequent order to show cause, respondent has since responded to the claims raised in the petition (Doc. #10) and petitioner has filed a brief in response thereto (Doc. #12). Inasmuch as a review of the record shows respondent to have responded to the Court's orders to show cause, petitioner's request for default judgment for respondent's failure

to respond should be denied.

Accordingly,

IT IS HEREBY RECOMMENDED that petitioner Thomas C. McGee's Motion for Default Judgment (Doc. #7) be denied.

The parties are advised that they have to and including **July 11, 2012**, by which to file written objections to this Report and Recommendation. Failure to timely file objections may result in waiver of the right to appeal questions of fact. Thompson v. Nix, 897 F.2d 356, 357 (8th Cir. 1990).



UNITED STATES MAGISTRATE JUDGE

Dated this 27th day of June, 2012.